

1
2 IN THE UNITED STATES DISTRICT COURT
3
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 KEITH STAMPS,

No. C 12-05753 WHA

7 Petitioner,

8 v.

**ORDER TO SHOW CAUSE RE
MOTION TO STAY**

9 RANDY GROUNDS,

10 Respondent.
11 _____/

12 State prisoner Keith Stamps, through counsel, filed petition for a writ of habeas corpus
13 on November 8, 2012. The petition includes five claims, including two that petitioner admits
14 have not been exhausted (Dkt. No. 5 at 3). Petitioner has now filed a motion seeking a “stay-
15 and-abate” order pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005). *Rhines* held that a district
16 court has the authority to issue stays of mixed petitions under AEDPA where good cause exists
17 for petitioner’s failure to exhaust the claims in state court and the claims are potentially
18 meritorious. *Id.* at 277.

19 This order notes that no order to show cause regarding the habeas petition has issued, and
20 respondent has not yet been required to respond to the merits of the petition. Respondent is
21 hereby ordered to show cause why the motion to “stay-and-abate” should not be granted. By
22 responding to the motion to stay, respondent does not thereby waive all objections or arguments
23 regarding the merits of the underlying petition. Respondent’s response is due by **JANUARY 29**
24 **AT NOON**. Counsel for petitioner must serve this order and the motion on counsel for respondent
25 forthwith.
26

27 **IT IS SO ORDERED.**

28 Dated: January 8, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE